

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAR 27 2008

BENNETT,

Plaintiff,

-against-

FALCONE, et al.,

Defendant.

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ORDER

05 Civ. 1358 (KMK)(LMS)

By oral motion made March 18, 2008, Plaintiff has sought a Court Order directing Defendants to further respond to Plaintiff's written interrogatories, dated October 12, 2007. At the Court's direction counsel for Defendants has submitted to the Court a copy of the interrogatories and Defendants' responses, dated December 12, 2007. Upon my review I am satisfied that no further response to these interrogatories is required.

For the most part the interrogatories are confusing and argumentative, and assume the existence of facts which are contested by Defendants. Despite the confusing nature of the questions, Defendants' counsel has made substantial efforts to respond where response was possible. I am satisfied that no further response is required.

For example, Interrogatory number 2 reads as follows: "Who? Was the Dispatcher at Headquarters, who took a Frivolous & Fabricated, unrelated call to officer Jason Buono?" There is no statement of date or time in this question, and there is no reason to believe that this question is at all relevant to the two arrests of Plaintiff that are the subject of this action. I have reviewed the allegations in the Complaint and in the other submissions made by Plaintiff, and I find no reference to any police dispatcher, or to any call or complaint made to Officer Buono. This

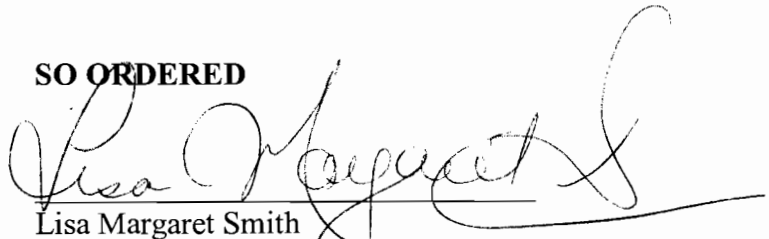
interrogatory, to the degree that it can be understood, has no obvious connection with any of Plaintiff's claims, and I therefore sustain Defendants' objection. A similar analysis applies to Interrogatory number 5.

Other interrogatories ask argumentative questions, referring to police reports as "perjurized" (Interrogatory numbers 4, 17 and 18) and witness statements as "fabricated." (Interrogatory number 6). It would be impossible for Defendants to respond to these argumentative questions without admitting these argumentative facts.

Upon my review I am satisfied that Plaintiff's verbal motion for further responses to the Interrogatories is denied.

Dated: March 20, 2008
White Plains, New York

SO ORDERED


Lisa Margaret Smith
United States Magistrate Judge
Southern District of New York

